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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

MELISSA PREPSTER, an individual; and
LISA MIELKE, an individual,

Defendants.

Case No.: 2:10-cv-1030

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Melissa Prepster (“Ms. Prepster”) and Lisa Mielke (“Ms. Mielke”; collectively with Ms. Prepster known herein as the “Defendants”), on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. § 501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Ms. Prepster is, and has been at all times relevant to this lawsuit, identified by the current registrar, Network Solutions, LLC (“Network Solutions”), as the registrant and administrative contact for the Internet domain found at <eaglesfans.com> (the “Domain”).

5. The Defendants are, and have been at all times relevant to this lawsuit, identified in the content accessible through the Domain (said content accessible through the Domain known herein as the “Website”) as the owners of the Website, as evidenced by the “About Us” page of the Website, attached hereto as Exhibit 1.

6. As of June 18, 2010, the Defendants claim ownership of the copyright(s) in the literary works posted on the Website as evidenced by a copyright notice displayed on the Website: “copyright 1996 – 2010 L&M.”

JURISDICTION

7. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

8. Righthaven is the owner of the copyright in the literary work entitled: “Eagles conjure past, present” (the “Work”), attached hereto as Exhibit 2.

9. At all times relevant to this lawsuit, the Work depicted and depicts the original source publication as the Las Vegas *Review-Journal*.

10. The Defendants willfully copied, on an unauthorized basis, the Work from a source emanating from Nevada.

11. On or about April 26, 2010, the Defendants displayed, and continue to display, an unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 3, on the Website.

1 “Registration”) and attached hereto as Exhibit 4 is evidence of the Registration in the form of a
2 printout of the official USCO database record depicting the occurrence of the Registration.

3 24. No later than April 26, 2010, the Defendants displayed the Infringement on the
4 Website.

5 25. The Defendants did not seek permission, in any manner, to reproduce, display, or
6 otherwise exploit the Work.

7 26. The Defendants were not granted permission, in any manner, to reproduce,
8 display, or otherwise exploit the Work.

9
10 **CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT**

11 27. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through
12 26 above.

13 28. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17
14 U.S.C. §106(1).

15 29. Righthaven holds the exclusive right to prepare derivative works based upon the
16 Work, pursuant to 17 U.S.C. § 106(2).

17 30. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
18 17 U.S.C. § 106(3).

19 31. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
20 U.S.C. § 106(5).

21 32. The Defendants reproduced the Work in derogation of Righthaven’s exclusive
22 rights under 17 U.S.C. § 106(1).

23 33. The Defendants created an unauthorized derivative of the Work in derogation of
24 Righthaven’s exclusive rights under 17 U.S.C. § 106(2).

25 34. The Defendants distributed, and continue to distribute, an unauthorized
26 reproduction of the Work on the Website, in derogation of Righthaven’s exclusive rights under
27 17 U.S.C. § 106(3).
28

b. All evidence and documentation relating to the names and addresses (whether electronic mail addresses or otherwise) of any person with whom the Defendants have communicated regarding the Defendants' use of the Work; and

c. All financial evidence and documentation relating to the Defendants' use of the Work;

3. Network Solutions and any successor domain name registrar for the Domain to lock the Domain and transfer control of the Domain to Righthaven;

4. Award Righthaven statutory damages for the willful infringement of the Work, pursuant to 17 U.S.C. § 504(c);

5. Award Righthaven costs, disbursements, and attorneys' fees incurred by Righthaven in bringing this action, pursuant to 17 U.S.C. § 505;

6. Award Righthaven pre- and post-judgment interest in accordance with applicable law; and

7. Grant Righthaven such other relief as this Court deems appropriate.

DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Fed. R. Civ. P. 38.

Dated this twenty-fifth day of June, 2010.

RIGHTHAVEN LLC

By: /s/ J. Charles Coons
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